

**NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED CHANGES  
IN THE REGULATIONS PERTAINING TO  
RESPIRATORY PROTECTION**

Pursuant to the requirements of Government Code section 11346.8(c) and section 44 of Title 1 of the California Code of Regulations (CCR), the Department of Pesticide Regulation (DPR) is providing notice of changes made to the proposed text of sections 6000 and 6739 of Title 3, CCR. These changes are in response to comments received during the public comment period. The public comment period on the originally proposed regulatory action closed on June 26, 2006. The Director finds that the modifications are sufficiently related to the original text of the proposed action. The modified text is being made available to the public for 15 days, during which written comments on the modifications will be received as provided in Government Code section 11346.8(c).

DPR will accept written comments relevant to the modifications between February 20, 2007, and 5:00 p.m. on March 7, 2007. Written comments relevant to the modifications may be sent via e-mail <dpr06002@cdpr.ca.gov>; or may be directed to Ms. Linda Irokawa-Otani, Regulations Coordinator, Department of Pesticide Regulation, 1001 I Street, P.O. Box 4015, Sacramento, California 95812-4015. FAX: (916) 324-1452.

In response to the comments received, DPR has made sufficiently related changes to the text from that which was originally proposed.

- DPR proposes to modify section 6000 to add the definitions, "confidential reader" and "respirator program administrator." These definitions are needed to clarify the proposed regulatory action in section 6739.
- DPR proposes to modify section 6739(a) to further clarify when respiratory protection should be worn by an employee, and that the respiratory program administrator is responsible for administering the respiratory protection program.
- Proposed section 6739(b) has been modified to require that voluntary respirator provision information, as specified in proposed subsection (r), be displayed either alongside the Hazard Communication Information for Employees Handling Pesticides in Agricultural Settings (Pesticide Safety Information Series leaflet A-8) or Hazard Communication Information for Employees Handling Pesticides in Noncrop Settings (Pesticide Safety Information Series leaflet N-8), as applicable, at a central location in the workplace.
- DPR proposes to modify subsection 6739(n) to include maintaining a written record of respiratory program evaluations conducted annually.
- Proposed subsection 6739(p) has been modified to clarify record retention requirements for medical recommendations, fit testing, and respirator program.
- Proposed section 6739(q) has been modified to correct an inadvertent grammatical error.

Current wording of the regulation is shown in normal type. Originally proposed additions are

shown by underline. Originally proposed deletions are shown by ~~strikeout~~. New proposed deletions are indicated by ~~*italics and strikeout*~~. New wording to be added by the modifications is shown in **bold double underline**.

All written comments received by 5:00 p.m. on March 7, 2007, which pertain to the indicated changes, will be reviewed and considered in this rulemaking. Please limit your comments to the modifications of the text.

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Mary-Ann Warmerdam, Director  
Department of Pesticide Regulation

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Date